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Security Council

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 22 June 2010 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to transmit the report by Austria pursuant to paragraph 5 of Security Council resolution 1891 (2009) concerning the Sudan (see annex).

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Annex to the note verbale dated 22 June 2010 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

In accordance with Security Council resolution 1891 (2009), Austria wishes to transmit the following information concerning the implementation of the restrictive measures set forth in paragraphs 3 (d), 3 (e) and 7 of resolution 1591 (2005) and paragraphs 7 and 8 of resolution 1556 (2004).

1. Austria and the other Member States of the European Union (EU) jointly implemented the restrictive measures against the Sudan imposed by United Nations Security Council resolution 1591 (2005) of 29 March 2005 by taking the following common measures:

(a) Council Common Position 2005/411/CFSP of 2 June 2005;

(b) Council Regulation (EC) No. 631/2007 of 8 June 2007 *amended by*:

(c) Council Decision 2006/386/CFSP of 2 June 2006;

(d) Council Regulation (EC) No. 1184/2005 of 23 July 2005 *amended by*:

(e) Commission Regulation (EC) No. 760/2006 of 19 May 2006;

(f) Commission Regulation (EC) No. 970/2007 of 18 August 2007 and corrigendum of 31 August 2007.

2. In addition, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against the Sudan imposed by United Nations Security Council resolution 1591 (2005):

(a) With regard to the obligations contained in paragraph 3 (a) (i) of Security Council resolution 1591 (2005) referring to paragraphs 7 and 8 of Security Council resolution 1556 (2004) the War Materials Act (WMA, Federal Law Gazette I No. 57/2001 as amended), the Foreign Trade Act (FTA, Federal Law Gazette I No. 50/2005 as amended) and Foreign Trade Regulation (FTAR, Federal Law Gazette II No. 121/2006) require an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services related to military activities. According to relevant provisions of these instruments, no authorization may be granted to export war materials, etc. to countries under a United Nations or an EU arms embargo. Non-compliance with the War Materials Act or the Foreign Trade Act constitutes a criminal offence punishable with up to five years of imprisonment or payment of a fine of up to 360 daily rates;

(b) In addition, the Austrian Penal Code (Federal Law Gazette I No. 60/1974 as amended) stipulates that the illegal military assistance or support to a party to an armed conflict to which the Republic of Austria is not a party, including the supply of war material in violation of the existing legislation, is punishable by up to five years of imprisonment;

(c) With regard to the obligation contained in paragraph 3 (d) of Security Council resolution 1591 (2005) relating to entry into or transit through the territories of all States of all persons as designated by the Committee pursuant to

subparagraph (c) of Security Council resolution 1591 (2005), the Austrian Aliens Police Law (Federal Law Gazette I No. 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions. The necessary instructions are issued whenever such persons have been designated by the Sanctions Committee or by the Security Council;

(d) With regard to the obligation contained in paragraph 3 (e) of Security Council resolution 1591 (2005) relating to the freezing of funds, other financial assets and economic resources the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable with up to one year of imprisonment.